

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:07-CR-168-F-1

UNITED STATES OF AMERICA

vs.

SHONTEZ A. BARNES,

Defendant.

**ORDER**

Before the court are the following motions:

- (1) Defendant's *pro se* motion to reset his revocation of supervised release hearing ("revocation hearing") for the August 29, 2016 term of court [DE 83]; and
- (2) Defendant's motion, by and through counsel, to expedite the revocation hearing to the September 26, 2016 term of court [DE 84].

On July 1, 2016, Defendant and then-counsel, Cindy Bembry of the Federal Public Defender's Office, appeared before the court for Defendant's revocation hearing. Ms. Bembry orally moved for a continuance on the basis that the conduct supporting the motion for revocation [DE 65] remained pending in Wilson County Superior Court. The court allowed the motion and continued the revocation hearing to the August 29, 2016 term of court.

On July 21, 2016, the court allowed the Office of the Federal Public Defender to withdraw as counsel for Defendant due to a conflict of interest. [DE 78]. On July 22, 2016, Leza Driscoll filed a notice of appearance as counsel of record for Defendant.<sup>1</sup> [DE 79]. In its August 11, 2016, the court directed Ms. Driscoll to request a continuance of Defendant's revocation hearing if Defendant's state charges remained pending. [DE 80]. That same day, Ms.

<sup>1</sup> It is unclear whether Defendant is aware of Ms. Driscoll's recent appointment as defense counsel in this matter. *See* [DE 83] (stating he attempted unsuccessfully to contact Cindy Bembry with the Office of the Federal Public Defender "several times" regarding the instant request).

Driscoll requested a continuance to the November 28, 2016 term of court after confirming the status of the pending charges with the assigned district attorney, Terry Orndorff. Ms. Driscoll advised that Defendant's state criminal case was expected to be calendared for arraignment in late October or early November. Accordingly, on August 12, 2016, the court continued Defendant's revocation hearing to the November 28, 2016 term of court. [DE 82].

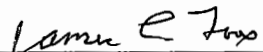
Defense counsel advises that after relaying recent conversations with the United States Attorney's Office and Mr. Orndorff to Mr. Barnes,<sup>2</sup> he confirmed his wish to proceed with his revocation hearing in an expedited fashion.

For the foregoing reasons, it is ordered as follows:

1. Defendant's *pro se* motion [DE 83] is DENIED;
2. Defendant's motion, by and through counsel, is ALLOWED; and
3. Defendant's revocation hearing is rescheduled for the **September 26, 2016** term of court.

SO ORDERED.

This the 31st day of August, 2016.

  
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JAMES C. FOX  
Senior United States District Judge

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<sup>2</sup> According to counsel, "[t]he U.S. Attorney's Office has decided not to prosecute the underlying conduct constituting the basis of revocation and the assigned district attorney has indicated that the case will likely not be resolved anytime in the next few months."